



UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Kimberly R. Lockett Art Unit: 2837
Re: Application of: Mark DRONGE
Serial No.: 10/620,235
Confirmation No.: 8521
Filed: July 15, 2003
For: Method for Coloring Strings and Strings
 Colored Thereby

DECLARATION UNDER 37 C.F.R. §1.132

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Daniel Mari, declare as follows:

1. I have been thoroughly involved in the business of researching, developing, manufacturing and selling strings for musical instruments for about 55 years and my family's involvement in the string business goes back several hundred years.

2. My involvement included being President and Chief Executive Officer of E&O Mari, which is one of the primary companies involved in the string business and which has a long history of providing quality strings to musicians throughout the world.

3. I am currently the President of Mari Strings, Inc., a manufacturer of numerous varieties of musical strings for various musical instruments including ethnic musical instruments, and have been since 1972.

4. One of the recognized and persistent problems in the string business is how to enable people to learn how to play string instruments. I am aware of a variety of different techniques to enable people to learn how to play string instruments.

5. One such technique is described in U.S. Patent No. 3,820,434 (Roberts) which shows a set of strings each having a color different than the color of the other strings in the set, but all of the strings have the same size. The strings are installed on a guitar and notes on sheet music are color-coded so that the learner can associate the string to strum with the note via color association.

6. Although Roberts' patent issued in 1974, during the time when I was involved in the string business, I do not recall any commercialization of Roberts' set of strings, i.e., to the best of my recollection, the product was not sold. One possible reason was that since the strings were all of the same size, there was little variation in notes produced using the set of strings. Rather, the idea behind the Roberts set of strings was to familiarize people with which strings correspond to which notes and not to produce quality music. Since the quality of music could not have been good, the product was not likely sold to any discriminating musicians.


7. Thus, the problem to enable people to easily learn how to play a string instrument, while providing quality sound, was not solved by Roberts.

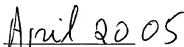
8. I am aware that the subject matter of the above-identified application is directed to a new set of the strings which are used to enable people to learn how to play string instruments. Specifically, I understand this application to be directed to a set of at least four strings, and usually six, each having a color and size different than the color and size of the other strings in the set. I am also aware that DR Music, Inc. is selling sets of such "learning strings" along with sheet music to enable people to learn how to play the guitar by installing the strings on a guitar and playing the notes on the guitar which are coded with the same colors as the notes on the sheet music.

9. The set of learning strings, the subject of this application which is sold by DR Music, in my opinion, thus provides a new solution to the problem of learning how to play string instruments in general and the guitar in particular while obtaining quality sound in that not only are the strings in a single set colored differently, but they are also provided with different sizes. It is this size variation feature which enables the strings to be played in a conventional manner while at the same time, making it significantly easier for people to learn how to play a musical string instrument.

10. In sum, in my opinion, the inventive set of learning strings satisfies a long-felt need for a technique to enable people to easily learn how to play a musical string instrument using a color-coded system while producing different notes so that the learner can not only hear different notes, but also can learn to associate the different heard sounds to the different colors of the strings and, via the color association of the strings to the notes, to the different notes. In this manner, the learner can recognize improperly played notes by hearing alone.

10. I hereby declare that all statements made herein are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of this application or any extension of patent term issuing thereon.


Daniel Mari


Date



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Dear Sir:

I, Mark Dronge, inventor of the subject matter of the above-identified application, declare as follows:

1. I am aware that the Examiner for the above-identified patent application has rejected claims 8, 9, 12-14 and 17 as being unpatentable over various combinations of U.S. Patent No. 3,820,434 (Roberts), U.S. Patent No. 5,492,044 (Sperzel) and U.S. Patent No. 5,268,971 (Nilsson et al.).

2. The Examiner has stated, inter alia, that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the colored strings as disclosed by Roberts with the varying string size as disclosed by Sperzel in order to produce an efficient means of teaching a musical instrument using a variance of notes.

3. I disagree with the Examiner's conclusion in view of the commercial success for the embodiments of the invention set forth in at least independent claims 8 and 13, the broadest of the rejected claims.

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4. Claims 8 and 13 each include the feature of a set of at least four strings each having a color and size different than the color and size of the other strings in the set.

5. I am the President of DR Music, Inc. and we authorize the manufacture of and sell various products relating to the subject matter of the application, including a set of "learning strings" including at least four strings, and usually six strings, each having a different color and size than the other strings in the set. We also sell an instrument manual explaining how to install the set of learning strings on a guitar and use the set of learning strings, and a chord book containing 25 sheets to show how to play different chords using a guitar on which the set of learning strings is installed.

6. As I understand them, claims 8 and 13 encompass the products being sold by DR Music, namely, the set of learning strings.

7. DR Music has experienced a great deal of success in its endeavors to commercialize the set of learning strings. Specifically, in just about one year from the time we sold our first set of learning strings, we have sold about 10,000 sets of learning strings along with over at least 1,000 instruction manuals and 500 chord books. Our total revenue from the sets for learning strings and related products is about \$150,000. All of this revenue is "new" in the sense that prior to the set of learning strings, we did not sell any single set of guitar strings with strings having different colors.

8. Before DR Music began selling the sets of learning strings, I was not aware of any other sellers of sets of strings for musical string instruments which included strings with different colors and different sizes. Although Roberts shows a set of strings each having a color different than the color of the other strings in the set, all of the strings have the same size. Sperzel shows a set of strings having different sizes, but all in the same color. Moreover, in an accompanying Declaration Under 37 C.F.R. §1.132 by Mr. Daniel Mari, Mr. Mari states that he is not aware of any commercial sales by Roberts of the set of colored strings. Thus, at the time of DR Music's introduction of the set of learning strings, there was no set of strings having different colors and sizes on the market.

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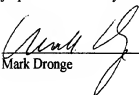
9. To date, to the best of my knowledge, there are no other sellers of sets of strings for musical string instruments which include strings with different colors and different sizes. Thus, the market share of the set of learning strings manufactured and sold pursuant to the invention by DR Music is 100%.

10. I attribute the commercial success to the set of learning strings to their very essence, namely, a set of multi-color strings with different sizes to enable them to be installed on and used to play a guitar in a traditional manner but with the added presence of color on the strings to facilitate learning how to play the guitar, when used with sheets of music having color-coded notes.

11. DR Music has done minimal advertising for the set of learning strings so the commercial success is unlikely attributed to such advertising.

12. DR Music has been surprisingly overwhelmed by the sales of the set of learning strings. Initially, a forecast of projected sales was made and only one batch of sets of learning strings was produced. Subsequently, in view of strong and unexpected demand for the product, three additional batches of sets of learning strings were produced to date. This demand was entirely unforeseen and, in my opinion, evidences commercial success of the invention.

13. I hereby declare that all statements made herein are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of this application or any extension of patent term issuing thereon.


Mark Dronge

3/16/05
Date